

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-00171-RJC-WCM

ELECTROLYSIS PREVENTION
SOLUTIONS LLC,

Plaintiff,

v.

DAIMLER TRUCK NORTH
AMERICA LLC,

Defendant.

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ORDER

This matter is before the Court on an Unopposed Motion to Seal Transcript of the May 25, 2023 Motion Hearing (ECF 137) (the “Motion to Seal,” Doc. 141) filed by Plaintiff Electrolysis Prevention Solution LLC (“EPS”).

In evaluating a motion to seal, the Court must “(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000).

Additionally, Local Civil Rule 6.1 states that “there is a presumption under applicable common law and the First Amendment that materials filed in this Court will be filed unsealed.” LCvR 6.1(a). To support sealing, a party

must set forth, among other things: (1) a non-confidential description of the material sought to be sealed; (2) a statement indicating why sealing is necessary and why there are no alternatives to filing under seal; and (3) supporting statutes, case law, or other authority. LCvR 6.1(c).

A hearing in this matter was conducted on May 25, 2023, and a transcript of that proceeding was made available under seal on June 21, 2023. Doc. 137. EPS subsequently filed the Motion to Seal, attaching a redacted copy of the transcript as Doc. 141-1 and an unredacted copy, which it requests be sealed, as Doc. 142.

Daimler Truck of North America LLC (“DTNA”) does not object to EPS’s sealing request, and EPS’s proposed redactions are limited. Further, EPS filed a Notice on June 26 advising that it intended to request redaction of the transcript. Doc. 138. Finally, the public has been provided with notice of the Motion to Seal as it has been pending since July 5, 2023.

The undersigned has considered the Motion to Seal, the public’s interest in access to the subject documents, and alternatives to sealing. It appears that EPS has complied with the requirements of Local Civil Rule 6.1.

Based on the information before the Court at this time, EPS has made a sufficient showing such that the Motion to Seal should be allowed. This ruling, however, may be subject to further consideration by the District Court, or upon a subsequent motion to unseal the subject transcript.

IT IS THEREFORE ORDERED THAT the Unopposed Motion to Seal Transcript of the May 25, 2023 Motion Hearing (Doc. 141) is **GRANTED** and the unredacted transcript of the May 25, 2023 motion hearing (Docs. 137 and 142) is **SEALED** until further Order of the Court.

Signed: July 24, 2023

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

